

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEWELL SMITH,

Plaintiff,

v.

GC SERVICES LIMITED
PARTNERSHIP - DELAWARE,

Defendant.

Case Number 12-13712

Honorable David M. Lawson

Magistrate Judge Mark A. Randon

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DENYING MOTION TO DISMISS**

This matter is before the Court on the report issued March 7, 2013 by Magistrate Judge Mark A. Randon pursuant to 28 U.S.C. § 636(b), recommending that the Court deny the defendant's motion to dismiss and deny without prejudice the defendant's request for discovery sanctions. Although the report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the defendant's motion to dismiss [dkt. #20] is **DENIED**.

It is further **ORDERED** that the defendant's request for discovery sanctions is **DENIED** without prejudice. If the defendant wishes to renew its request for sanctions, then it may file an appropriate motion with a bill of costs and fees.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: March 26, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 26, 2013.

s/Deborah R. Tofil
DEBORAH R. TOFIL